

# **Summary of Regulatory Issues & Regulatory Process**

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**Presented by  
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# Overview of Regulatory Process

1. Scoping Sessions
2. Initial draft
3. Informal workshop  
(today)
4. File proposed regulations and CEQA docs
5. Public comment
6. Public hearing (June)
7. Revisions and public comment
8. Adoption at public meeting (Oct)
9. File final rulemaking with OAL
10. OAL approves/disapproves  
(Dec 2011)

# Purpose

- Clarify existing statute
- Establish administrative procedures
- Provide uniform competitive business environments

# Outline of Informal Draft Regulatory Text

- |  |   |
|--|---|
| I. Definitions                             | VI. Record Retention  |
| II. Stewardship Submittal Instructions     | VII. Proprietary, Confidential, or Trade Secret Information |
| III. Criteria for Plan Approval            | VIII. Service Payments to CalRecycle                        |
| IV. Criteria for Evaluating Annual Reports |   |
| V. Enforcement                             |   |

# I. Definitions

Terms defined:

- Administrative fee
- Assessment
- Aggregate assessment
- Diversion
- Recycling
- Reporting period
- Significant material change

**Section 18941**

## II. Stewardship Submittal Instructions

- Explains what information to submit as part of a registration with CalRecycle
- Electronic submittals
- One hard copy signed under penalty of perjury
- Standard outlines for plans and reports
- Financial, sales, product data only public in summary form

**Section 18942**

# III. Criteria for Plan Approval

- Describes what must be in a plan
- Discussion draft explains how CalRecycle will evaluate plans

- 1) Contact Information
- 2) Scope
- 3) Performance Goals
- 4) Waste Management Hierarchy
- 5) Collection System
- 6) Market Development
- 7) Financing Mechanism
- 8) Education and Outreach
- 9) Program Performance Measurement
- 10) Stakeholder Consultation
- 11) Audits

Section 18943



# IV. Annual Reports

- Describes what must be in an annual report
- Discussion draft explains how CalRecycle will evaluate reports



- 1) Contact Information
- 2) Executive Summary
- 3) Scope
- 4) Program Outline of Collection System
- 5) Description of Goals and Activities
- 6) Market Development
- 7) Financing Mechanism
- 8) Education and Outreach
- 9) Audits

**Section 18944**



## **V. Enforcement**

- Scope of proposed enforcement regulations.  
Who may be held liable for violations.
- Civil Penalties and Administrative Penalty Schedules
  - Stewardship Organizations and Manufacturers
  - Wholesalers and Retailers
- Criteria to determine appropriate monetary penalty (within a range of monetary penalties by violation)
- Procedure for Imposing Civil Penalties

## VI. Records Retention

- Who must keep records
- Generally what records must be kept
- How long records must be retained

## **VII. Proprietary, Confidential, or Trade Secret Information**

- Standard language

## **VIII. Service Payments to CalRecycle**

- Process that will be used to determine amount of payment
- Department director, or his/her deputy director designee approve fee
- Schedule

**Section 18948**

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# Comments or Questions



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